

BOARD OF FORESTRY AND FIRE PROTECTION

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MINUTES
BOARD OF FORESTRY AND FIRE PROTECTION
July 9, 10, & 11, 2002
Redding, California

BOARD MEMBERS PRESENT :

Stan Dixon, Chairman
Kirk Marckwald, Vice Chair
Mark Bosetti
Robert Heald
Tharon O'Dell
Gary Rynearson

BOARD STAFF PRESENT :

Daniel R. Sendek, Executive Officer
George Gentry
Executive Officer, Foresters Licensing
Donna Stadler, Executive Assistant
Jim Mote, Regulations Coordinator

DEPARTMENTAL STAFF PRESENT :

Ross Johnson, Deputy Director
Resource Management
Dean Lucke, Assistant Deputy Director

CALL TO ORDER

Chairman Dixon called the July 2002 meeting of the Board of Forestry and Fire Protection to order.

REPORT OF EXECUTIVE SESSION

Chairman Dixon asked the Executive Officer to report on the action items from the Executive Session.

Mr. Daniel Sendek, Executive Officer for the Board, announced that during the Executive Session, the Board considered three Civil Penalty cases. The Board adopted the proposed decision of the Administrative Hearing Judge imposing a \$500.00 Civil Penalty fine on Brooks Mitchell. In the cases of Donald L. Dwyer and James Bollinger, the Board deferred action until a subsequent meeting.

MINUTES

Chairman Dixon asked for approval of the June 2002 minutes.

02-07-1 Mr. O'Dell moved to approve the June 2002 minutes as amended. Mr. Bosetti seconded the motion, and all were in favor.

CHAIRMAN'S REPORT

Chairman Dixon thanked all those responsible for the excellent field trip to visit the Latour Demonstration State Forest. The Board appreciates being able to see first hand the issues on the ground.

REPORT OF THE DIRECTOR

Mr. Ross Johnson, Deputy Director for Resource Management, reported for the Director who was in Washington, D. C. He reviewed the Director's report in the Board's binder and noted that the state's budget has not yet been signed. The State Responsibility Area funding that had been taken out of CDF's budget has been put back, and since there are no THP fees, that money has been put back as well. CDF will be reducing programs because of loans to pay back from last year and carry over to the next year.

Deputy Director Johnson reported that the Jackson Demonstration State Forest Management Plan and the Environmental Impact Report comment period for the public would close on July 19, 2002, and for agencies on July 1, 2002. However, there are still comments coming in and the Department will respond to them. The Department will present its Management Plan at the Board's August meeting.

Deputy Director Johnson said that the Department has had its first Native American Advisory Council (NAAC) meeting and that six of the nine members were present. The NAAC will be discussing more than forest practice issues. He announced that the next meeting will be held on September 20, 2002, and reviewed the agenda items for the Board.

Deputy Director Johnson announced that on July 17, 2002, the Department would participate in the State Water Resources Control Board's workshop on the Waiver Discharge Requirements. It is an information-gathering workshop. He then reviewed legislation for the Board.

REPORT OF THE OAK MORTALITY TASK FORCE (OMTF)

Mr. Mark Stanley, Assistant Deputy Director for Resource Management and Co-chair of the Oak Mortality Task Force (OMTF), referred to the OMTF report in the Board's binder and reviewed it for the Board.

Mr. Stanley provided a copy of the press release dated Monday, July 8, 2002, from the California Department of Food and Agriculture announcing that Humboldt and Contra Costa Counties have been confirmed as having findings of *Phytophthora ramorum*, the pathogen that causes Sudden Oak Death. As confirmed counties, they now fall under state and federal regulations limiting the movement of hosts, and once approved by the Office of Administrative Law, become part of the quarantine area. He noted that *Phytophthora* has also been found

near Big Sur on Forest Service land adjacent to the wilderness area. Oregon has found seven new sites in its eradication zone. They are continuing their efforts.

Mr. Stanley reported that a National Plant Detection Survey has been put together through the USDA AFIS. They have developed some pilots in ornamental and wildlands. Next month the OMTF anticipates receiving a plan from Monterey County for hazard tree removal. He announced that there would be a closed training session on August 20, 2002, for regulatory agencies only and an open session for arborists, RPFs, and the general public on September 12, 2002, in Marin County. The UC Integrated Pest Management has just produced a new pest note called, "*Sudden Oak Death in California*." It is a five-page publication directed to landowners and landscape professionals. This publication is available on the UC web site. Also, there is a public outreach effort called "*The Art of Saving Oaks*." This will be held in Sausalito on October 26, 2002, and November 18, 2002. The program is about tree care and how to recognize SOD and what to do with it if you have it from the landowners perspective.

Mr. Stanley reviewed funding efforts. He noted that Compliance Agreements are necessary to move materials and they can be obtained through an amendment of an existing plan, or through the Agricultural Commission.

REVIEW AND CONSIDERATION OF COUNTY ACTION PLANS ADDRESSING SUDDEN OAK DEATH HAZARD TREE REMOVAL AND DISPOSITION

There was no report this month.

REPORT OF THE ADVISORY COMMITTEES

CALIFORNIA FOREST PEST COUNCIL (CFPC)

Mr. Scott Johnson, Chairman of the California Forest Pest Council, noted that the Humboldt and Contra Costa County Sudden Oak Death (SOD) maps were on the web at www.suddenoakdeath.org.

Mr. Johnson announced that the CFPC's Insect and Disease Committee had a field trip in the Lassen National Forest on June 25, 2002, and looked at disease issues in the area. It was an educational meeting. The Weed Committee will have its annual tour in Fort Bragg on July 24 and 25, 2002. The tour will be on Campbell's Hawthorne properties, Mendocino Redwood Company lands, and on the Jackson Demonstration State Forest. He referred to two letters from the CFPC, one supporting the Draft Environmental Impact Report and the Jackson Demonstration State Forest Management Plan and the other to the Regional Forester regarding the Sierra Nevada Framework and the EIR. Both letters were submitted into the record. The CFPC does not believe that the Federal Guidelines allow for adequate pest management. He noted that CFPC is a non-profit educational organization.

CONTINUED DISCUSSION OF THE BOARD'S MARCH AND APRIL 2002 TIMBER HARVESTING PLAN SUBMISSION AND REVIEW WORKSHOPS, INCLUDING THE IDENTIFICATION AND PRIORITIZATION OF OPPORTUNITIES TO IMPROVE THE PROCESS, AS WELL AS REDUCE THE PROCESSING TIMES, WITHIN STATUTORY REQUIREMENTS

Chairman Dixon introduced the topic and asked Board members to make recommendations on how they wanted to proceed with this issue. He suggested establishing a list of priorities and reviewing it for discussion in committee. The Committee could call any experts it wanted to

express their opinion on the issues. He noted that most of speakers talked about training, education, and lack of experience of agency personnel involved in the review process, also, ways the Board and the Department may be able to deal with the process to make it easier for plan submitters.

Mr. Ryneanson commented that there were nine points he noted from the workshops. One was a need for better site-specific information including longer and better pre-harvest inspections. Another was that training and cross training would be necessary for everyone to be working together. Pre-consultation was an item that was heard several times. Also, comments that rules are not clear and concise without interpretation problems. Some federal agencies suggested trying to develop a 4 (d) rule or an HCP. He noted that was suggested by the federal agencies. The fair argument test was low. The system is working, but needs adjustments. There needs to be an attempt to prioritize and in meeting the timeframes. Another item is professionals working on the ground seem to have become adversarial.

Chairman Dixon asked Member Ryneanson to suggest a process that will help the Board deal with these issues.

Mr. Ryneanson commented that a portion of the list could be sent to committees. The full Board could work on the development of a 4(d) or an HCP working with the Fish and Wildlife Service and the National Marine Fisheries Service and possibly the Department Fish and Game. There should be cross training between this Board and the State Water Board as well as Regional Boards in joint workshops. We also need to send a message to the Administration for the need to support personnel funding levels. There is an opportunity to develop programs with cooperation from other organizations.

Mr. Heald said that a lot of the comments he heard involved the basic adversarial nature of the system. He believes that there are things that could be done to facilitate the process in addition to pre-consultations. Such as regular reports from CDF on what they believe constitute fair arguments regarding general cases. Like where and how to do plant surveys. He believes that it is adversarial at the review agency level. There is an opportunity for the Board to find a way to facilitate a better exchange among the agencies. He believes that it is imperative that the agencies have cross-training opportunities by a neutral party. There is a lack of trust and respect between agencies largely due to different perspectives. Agencies should publish a realistic list of what its expectations are in terms of training their personnel, and follow it through. The suggestion of twice annual rule implementation is a good one. He believes that having regularly scheduled meetings in a workshop format to hear from RPFs, landowners, agencies, and the public is necessary and better off done in Ukiah and Redding. There is a lot more that could be done to clarify directions on how to fill out a THP, such as a general check list.

Mr. Bosetti believes that the current system has created a climate that has few incentives for landowners to remain invested in timberland. It is a system that keeps many small landowners from entering the market. The Board should ask itself: Does the regulatory process encourage and maintain investment in forest properties? Does it provide effective use of the state financial resources? Is it protective of the natural resources of the state? Is it protective of the rights of the landowners? The Board needs to look at policy changes it can work with and identify those that would need Legislative remedies. Comments he heard were; filing standards are not clear, lack of authority of review team members to make a decision on a PHI, and the difficulty in getting a PHI scheduled. He believes there is a lack of confidence in the system and lack of acceptance of the Forest Practice Rules by some review team agencies as being effective in addressing their concerns on resource protection issues. Some plan submitters believe that there is no system functioning to address their concerns regarding interpretation of a rule when the Department is making the decision to deny a plan. He believes that this Board has an obligation to inform other Boards of the process that this Board is involved in and find out where they feel the shortfalls are.

Mr. Tharon O'Dell extended his congratulations everyone who participated in this process. He believes that there is some agreement with the process. The process should be supported by science. There has been good agreement by panel members and by public comments that mitigations supported by science were the best ones. There were complaints about various things that did not work. Without education, training, and cross training, you do not have competent people. He commented that there is tremendous talent in this state, but believes that there is a lack of involvement by the Universities in our system and believes they should be more involved in our process. We have to find a way to build trust and mutual understanding of the issues. Other states have partnerships that California does not. He believes that it is necessary to do a better job of understanding impacts and describing them. The ability and willingness to invest money in resource endeavors in this state has become more risky, costly, and does not make for good investments. If there is no profit in timber, then others will turn the land uses to an endeavor that can produce a profit. There is a need to get through this process in a cost effective way. The ability to fill out plans is an important issue. There is a need to become more partner-like. He believes that cross training, workshops, outreach, utilizing UC people is the right way to help find solutions.

Mr. Marckwald said that there are principles to be considered during this process. The first is that there is a danger in over selling or over committing that the Board and the people can have the wherewithal and the energy to solve the problems. Setting the time and priorities and have realistic expectations as to when these things can be accomplished is essential. There is a need to be specific about how to focus the collective energies, and to operate on the right data set. There should be opportunities to deal with grievances, but they should not drive the way to go forward. Another step to going forward is choosing the right tool to address these problems. Not all of the problems are rule driven. Some are clarifying definitions and standards of review, but they have much to do with how the collective community interacts with each other. He suggested that a handful of people who represent a variety of points of view and who are willing to charter and work through this in a consistent way would be more effective than a lot of people expressing a lot of different ideas. There is a need for clarity in our course of action.

Public Comments

Mr. Jere Melo commented that the discussion this morning was very good and thanked the Board for its effort in putting these issues forward. He expressed his concern over the cost of doing business. He reviewed some examples for the Board.

Ms. Traci Thiele indicated that she agreed with most of the comments made. She believes that continuing education for the RPF is important. She is glad to see the Board taking action.

Mr. Mark Rentz, California Forestry Association (CFA), noted three things that CFA believes would be beneficial. There needs to be a way to revisit the rules and the rule books. He encouraged the Board to spend time on how to make the rules more efficient on the ground. The role of the Executive Officer and staff could be revisited. He encouraged the Board to look at the letter CFA submitted last year addressing the necessity of regulations.

Mr. Roy Richards expressed his thanks to the Board. He believes that the biggest problem is interpretation and definitions in the rules.

Mr. Rob DiPerna, EPIC, commented that he appreciates the thoughtfulness that has gone into these issues. He believes that a conflict resolution is necessary between the review team and the Director's decision. A task force is a positive step and can focus on getting results.

Mr. William Hultgren, CLFA, thanked the Board for the being focused on these issues. He believes that pre-consultation is a good idea and will help to build better communication. CLFA would like to see the review time of a THP extended.

Mr. Richard Gienger encouraged the Board to send some of these items to the Interim Committee. He believes that a task force could address THP filing and standards, intermediate policy venue, crossings, and specific operational needs. He noted that the Forest Stewardship Committee has been dealing with these issues. The state needs to step up to the public trust issue.

Chairman Dixon asked for agreement from the Board to have Member Marckwald, representing the public, and Member O'Dell representing the industry act as a subcommittee of the Board and take into consideration all the comments heard today and sort them out and then provide recommendations to the full Board. He asked that the Members provide their written comments to Members Marckwald and O'Dell so they can be prepared by the September meeting.

Members Marckwald and O'Dell agreed to take on the task.

HEARING TO CONSIDER AMENDMENT OF SECTION 1058.5, TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS, ADDRESSING THE TIME PERIOD IN WHICH THE BOARD MUST ACT ON A PROPOSED DECISION RENDERED BY AN ADMINISTRATIVE LAW JUDGE IN AN ADMINISTRATIVE CIVIL PENALTY ACTION

Chairman Dixon introduced the topic.

Mr. Jim Mote, Regulations Coordinator, said that the Administrative Civil Penalty Determination – 2002 was publicly noticed on May 24, 2002. A modification was made in the wording allowing an additional 60 day period of time for review of the transcripts, when requested, of the proceedings of the Administrative Law Judge hearing after the Board receives the proposed decision.

Chairman Dixon noted that the Board reviewed supportive comments from the Department. There were no other agency or public comments.

02-07-2 Mr. Ryneerson moved to close the public hearing. Mr. Heald seconded the motion, and all were in favor.

Mr. Ryneerson said that because of the complexity of these issues and the timing requirements he believes it makes sense to extend the review time period.

02-07-3 Mr. Heald moved to adopt the package as noticed. Mr. Ryneerson seconded the motion, and a roll call vote was taken.

Bosetti	Aye
Heald	Aye
Marckwald	Aye
Ryneerson	Aye
O'Dell	Aye
Dixon	Aye

The motion carried by unanimous vote.

Mr. Mote provided a copy of the findings for the Board.

Mr. O'Dell offered a correction in spelling on page two the word "simple" should read "simply."

Mr. Heald noted that the same correction needed to be made on page three.

Mr. Marckwald suggested striking the word “simply.”

All members agreed upon striking the word “simply” on pages two and three.

Mr. Ryneerson referred to paragraph two on page two of the findings on the second line, “the regulations contained in 14CCR 1058.5 are to be modified to allow an additional period of 60 days.” He asked staff if that should read to “allow 60 days for review?” The Board is modifying the regulations from 45 days to 60 days adding 15 days. So strike the words “an additional” on that page.

Mr. Bruce Reeves, Deputy Attorney General and Board’s Counsel, noted that the 60 days commences with the receipt of the transcripts. The 45-day period commences with the receipt of the decision.

02-07-4 Mr. Marckwald moved to adopt the findings as amended. Mr. O’Dell seconded the motion, and a roll call vote was taken.

Heald	Aye
Marckwald	Aye
Ryneerson	Aye
O’Dell	Aye
Bosetti	Aye
Dixon	Aye

The motion carried by unanimous vote.

REPORT FROM OTHER FEDERAL AGENCIES, INCLUDING; the USDA FOREST SERVICE, U.S. FISH & WILDLIFE SERVICE, and U.S. EPA

Mr. Joe Blum, National Marine Fisheries Service (NMFS), commented that there was no report this month from the NMFS.

PUBLIC FORUM

Ms. Traci Thiele, Humboldt Watershed Council, expressed her frustration regarding “slow forest death” in Redway. The disease is in their back yard and believes that the Board has failed its public trust obligation. She believes that she saw SOD in redwood trees and that this has become a political issue. She believes that the Legislature is concerned over the lack of action by this Board.

Chairman Dixon suggested that if Ms. Thiele had specific information she should get it to the Oak Mortality Task Force or to the Agricultural Commissioner.

Mr. Mark Rentz, California Forestry Association (CFA), referred to the CFA letter and asked the that Board follow up on their request for the Department of Fish (DFG) and Game and the National Marine Fisheries Service (NMFS) report on the statistics and procedures on anadromous fish.

Chairman Dixon asked staff to forward CFA’s letter to the DFG and NMFS with a request for a presentation before the Board on fish population within the state.

Mr. Richard Gienger believes that some types of operations relative to timber harvesting do not deserve waivers. There are certain types of operations and situations that do need a waste discharge process to assure that impaired water body sources are being controlled. He urged the Board to go with the process in place for relief for small landowners and get the state to pick up on the public trust issues.

Mr. Robert DiPerna, EPIC, indicated that a conflict resolution is necessary between the review team and the Director's decision. He believes that the Threatened and Impaired rules should be re-visited. Sections 916.9 (c) and 916.9 (e) channel zone requirements (1) (A) lacks justification and believes there is a need to review these sections for clarity.

Mr. William Hultgren, California Licensed Forestry Association (CLFA), believes that there is a lot of good research that goes on at the Jackson Demonstration State Forest and hopes that it can continue with its new Management Plan.

Mr. Matt Etzenhouser spoke in support of the oak retention standards that are coming up. There is a need to weigh landowner rights against the public trust issue. He questioned the justification of the Large Old Trees rule.

Mr. Dan Weldon, Forest Landowners of California (FLOC), provided a copy of the FLOC member update. He noted that the FLOC was sponsoring two Family Forest Field Days this fall. The first will be held on September 21 and the second on October 5. There will be some discussion on the opportunities for regulatory relief that came forward from the Forest Stewardship Working Group. It is their desire to develop some pilot projects and encourage our members to participate in those projects. FLOC is encouraging its membership to take advantage of the Interim Watershed Addendum allowing its members to take advantage of looking for regulatory relief.

Mr. O'Dell wanted to know if the FLOC membership was receptive to the watershed addendum approach.

Mr. Weldon said that the members have not been educated enough to know what is available to them. FLOC is attempting to provide that information through the workshops and field days.

Mr. O'Dell suggested that FLOC provide the Board with feedback from its membership following the Field Days on how well the watershed addendum approach is received.

Mr. Weldon indicated that he would provide that information to the Board.

Mr. Bernie Bush, Simpson Resource Company (SRC), reported that he attended the North Coast Regional Water Board NCRWB meeting on June 27, 2002. There was a staff progress report submitted on the implementation of Senate Bill 390 regarding Waivers of Waste Discharge. He provided the highlights of that report for the Board. NTMPs, timberland conversions, exemptions, and emergencies need to be addressed specifically in the waiver. Staff identified four main options for the NCRWB to consider; a no action alternative, adopt general waste requirements, re-adopt the existing waiver policy, or a new or modified waiver policy inclusive of all the aforementioned. The Water Board staff is holding a public hearing in late September or some time in October. There will be a workshop next week.

Mr. Marckwald wanted to know if the Water Board was considering a mitigated Negative Declaration for the CEQA document.

Mr. Bush said that issue was being discussed.

Chairman Dixon commented that this issue was something that he would like the Board to spend more time with. Possibly putting it on the August agenda for further discussion.

Mr. Ryneanson commented that if the waiver was not extended as of December 31, 2002, then it was his understanding that all current plans would then require Waste Discharge Permits.

Mr. Bush replied that it is a risk issue.

Mr. Ryneanson stated that this could affect the approval process as well as plans that are currently in the process.

PRESENTATION AND REVIEW OF THE CURENT LATOUR DEMONSTRATION STATE FOREST MANAGEMENT PLAN, INCLUDING POTENTIAL RECOMMENDED MODIFICATIONS

Mr. Christopher Rowney, Deputy Chief of State Forest & Nursery Programs, read his prepared comments regarding the LaTour Demonstration State Forest Management Plan into the record. He noted that the Board's Forest Management Policy requires that the Department present to the Board a thorough review of each existing State Forest Management Plan every five years. Following each review, the Board may direct the Department either to continue management under the existing plan, prepare amendments to the plan, or prepare a new plan for public review and Board approval. The Department has provided the Board with a proposed schedule for individual State Demonstration Forest Management Plan review. He commented that the goal of the field trip to LaTour was to provide the Board with an understanding of the present Management Plan's on-the-ground implementation. The Department is looking to the Board for guidance as to the direction to take with the LaTour Management Plan. It believes that the proposed changes are necessary to reflect the forest's condition, as it exists today. The Department has prepared edits and amendments of the existing plan it believes are necessary to make the Plan more understandable and reflect the Forest's conditions of today. The Department was not seeking Board approval today. It seeks only guidance on which general approach to take. The Department believes that the current plan is heading in the right direction. However, it does require updating to match current conditions and expectations. Should the Board direct the Department to pursue amendment of the Plan, as outlined, it will prepare a draft for public review. It will also act as the lead agency for the environmental review of the plan under the California Environmental Quality Act. Following that process, the Department will request a specific agenda item for approval of the amended Plan.

Mr. Heald thanked the Department for an excellent overview with a lot of good information. He wanted to know the level of environmental review if the plan moves forward with the proposed changes.

Mr. Rowney replied that it is an existing ongoing state project. There is no significant change in how the LaTour is managed. There is an EIR that covers the timber management activities on the forest, which was certified in the 1980s. The Department does not see any need to modify the EIR at this time. The changes of this plan would probably be subject to a Negative Declaration.

Mr. Heald said that it was an excellent field trip, but he would like to have a discussion amongst Board members from a policy perspective about what its expectations are for Demonstration State Forests.

Mr. Rynearson wanted to know what the timeframe is for the Department.

Mr. Rowney said that the Department is currently going through four state plans. If the Board requests the Department to make amendments to the exiting plan, it has one year. However, the Department has provided the Board with its draft proposals for the modifications to improve the clarity of the document and to address the inventory and grow values. Taking the second alternative, provided there are no changes requested by the Board, then within a few months the Department could come before the Board with the Management Plan for adoption.

Mr. Norm Hill, CDF's Chief Counsel, reviewed the process for the Board. If it is the decision of the Board to continue the current Management Plan, it would be considered an ongoing project and the Department would come back before the Board once. Should the Board request amendments to the Plan or a new EIR, Board policy allows one year to complete the work. When the plan is ready, the Department would conduct CEQA review and draft a Negative Declaration, Mitigation Declaration, or an EIR. For the LaTour Management Plan the Department is considering a Negative Declaration. That process could be finished within six months. The EIR planning period is approximately one year.

Following further discussion, the Board decided it wanted more time to review the proposal on the LaTour Demonstration State Forest Management Plan. The item will be on the Board's August agenda for consideration.

REVIEW OF NEVADA COUNTY'S PROPOSED LOCAL FIRE SAFE ORDINANCES FOR CERTIFICATION INLIEU OF STATE REGULATIONS

Mr. Wayne Mitchell, Assistant Chief of the Northern Region, provided some background on the draft model of the Fire Safe Ordinance that the Board put together in the early 1990s, allowing counties to adopt their procedures. Nevada County was one of the first to adopt an ordinance and brought it to the Board in the early 1990s. The Board thought that the ordinance looked good, but the Board was not ready to certify it at that time. Nevada County has been working under their ordinance over the years and recently discovered that the Board had never officially certified their ordinance. Now they have submitted a request to the Board for certification their Fire Safe Ordinance. The Nevada-Yuba-Placer Unit staff compared the document with the Board's 4290 regulations and determined that the ordinance met or exceeded the 4290 regulations and recommends that the Board certify the Nevada County proposed Fire Safe Ordinance.

Chairman Dixon wanted to know if there was a letter of support from the Department.

Mr. Mitchell said that there was a letter of support from the Nevada-Yuba-Placer Unit Chief.

Mr. Marckwald wanted to know about the implications of the Board certifying or not certifying the ordinance.

Mr. Mitchell commented that he did not know. The County has been operating under this ordinance very well and would like Board Certification.

Mr. Rynearson noted that the County was the lead agency on this issue and not the Board.

Mr. Mitchell confirmed that observation.

02-07-5 Mr. Rynearson moved to adopt the proposed Fire Safe Ordinance for Certification. Mr. Marckwald seconded the motion.

Mr. Heald commented that he could not find the fire safe section in the proposal. He questioned if there was consideration for a defensible space requirement.

Following a brief discussion, Mr. Ryneerson withdrew his motion, and the item was continued until the August meeting giving the Board's Counsel time to review the proposal.

REVIEW OF PROPOSED REVISIONS TO THE BOARD'S FIRE PROTECTION POLICY **(Chapters 340-356.5)**

Mr. Jim Wright, Deputy Director of Fire Protection, presented the Board members with Nomex shirts and pants.

Chief Wright briefed the Board on lightning strike fires. He reported that the resources are in place for potential lightning strike caused fires.

Chief Wright provided a brief history and overview of the Board's Fire Protection Policy. He noted that the last review of these policies was in the 1980s. The Policies are still good, however, they need to be brought to date.

Mr. Bosetti commented that the Board's Fire Protection Policy was never compiled in one place and there is a need to bring them up to fill the current needs. The Resource Protection Committee recommends approval of the proposed revisions.

Mr. Heald noted that this was an important document and would like an opportunity to review it further.

Chief Wright commented that the Fire Policy was not in conflict with the Board's Fire Plan or the Fish and Game Joint Policy.

Mr. Bosetti suggested that the Board spend some time reviewing the Vegetation Management Program portion within the Fire Protection Policy.

Chairman Dixon requested Board staff to put this item on its agenda for August or September for consideration.

REPORT OF THE STANDING COMMITTEES

INTERIM COMMITTEE

Mr. Heald reported that the Committee discussed the Department's policy letter addressing the use of Intermittent Silvicultural Methods and NTMPs. There was some discussion on timely Board review of the Department's implementation of the Forest Practice Rule changes. The Committee recommends that the full Board adopt the process that envisions an agenda item every spring to discuss new rules and receive reports from the Department on what they are doing to make sure everyone understands them and is provided adequate training. Also an agenda item every June that allows the Department to report back on issues relative to implementation and receive public comment.

Mr. Heald said that the Committee had a discussion on the Oak Retention Standards proposal. The proposal is in two parts; the first part deals with specific requirements in the Northern and Southern districts of the Sierra, which the Committee believes needs further consideration.

That part will be put on the Interim Committee agenda for further consideration in the future. The second part proposes an amendment to Technical Addendum Number Two, the Cumulative Affects Assessment relative to having plan proponents address a sustainable distribution of deciduous hardwoods. The Committee recommends that the Board direct staff to send out a 45-Day Notice.

Mr. Heald reported that the Committee spent a considerable amount of time on the Archaeology package and recommends that the Board direct staff to send out a 45-Day Notice on that package as well.

02-07-6 Mr. Heald moved to direct staff to send out the Archaeology package as amended. Mr. O'Dell seconded the motion, and all were in favor.

02-07-7 Mr. Heald moved to direct staff to send out a 45-Day Notice on the modifications on the Technical Rule Addendum Number Two cumulative affects relative to the sustainable distribution of hardwoods. Mr. Marckwald seconded the motion, and all were in favor.

AD HOC WATERSHED COMMITTEE

Mr. Rynearson reported that the Committee reviewed the proposed rule changes to the Roads package. The Committee recommended language changes to be finalized by staff. There was a discussion regarding a presentation by National Marine Fisheries Service (NMFS) requesting that the Committee consider inclusion into the Roads package, roads and winter operations language. The Committee did not have the opportunity to address the NMFS proposal. NMFS requested that the Committee develop language and insert it as an Option for approval. The Committee took no action at this time, but suggested that the issue go before the full Board. The recommendation from Committee is to move the Roads package as amended to a 45-Day Notice. There is no recommendation on the NMFS proposal.

Chairman Dixon commented that it would be difficult to act on the NMFS proposal not having the opportunity to review it.

Mr. Heald concurred with the Chairman. However, he would like to give the proposal full consideration in the near future.

Mr. Marckwald agreed with the aforementioned comments.

Mr. Joe Blum, National Marine Fisheries Service, withdrew the NMFS proposal and noted that it would take it back to Committee for a full review.

Mr. Rynearson said that the Roads Management Plan would be discussed at the August meeting.

02-07-8 Mr. Rynearson moved to the Roads package as amended out for a 45-Day Notice. Mr. Marckwald seconded the motion, and all were in favor.

RESOURCE PROTECTION COMMITTEE (RPC)

Mr. Bosetti, RPC Chairman, reported that the CDF Ranger Chiefs provided reports to the RPC. Chief Turner noted that in the Governor's Executive Order D-58-02, the Governor ordered CDF to secure and deploy additional resources as needed to protect the persons and property from

wildfires during the 2002 fire season. Among the directives in the Order was; to place back into service ten refurbished fire engines to be staffed with a minimum crew of four firefighters, staff an additional four CDF Conservation Camp Fire Crews in the Southern portion of the state, and activate and staff ten fire lookout towers in the Northern portion of the state. The Department then provided the Committee with a report on the Vegetation Management Program.

Mr. Bosetti referred to the letter from the Plumas County Planning Department expressing its desire to amend various county code sections related to driveways. The Committee recommends that this item be put on the Board's agenda for August.

PRESENTATION OF FOREST REPTILE AND AMPHIBIAN WORKING GROUP FOCUSING ON ADDITIONAL CONSIDERATIONS FOR SPRINGS, SEEPS, AND WET AREAS

Dr. Marty Berbach, Department of Fish and Game, introduced the topic and the presenter of their Power Point presentation.

Mr. Lowell Diller, Department of Fish and Game, provided the Power Point presentation on behalf of the Forest Reptile and Amphibian Working Group (FRAWG). He provided some background as to the development of FRAWG and its objectives. He noted that the Commission of Fish and Game recognizes the need for the Board to provide protection measures for the aquatic features addressed in the FRAWG proposal for additional considerations for springs, seeps, wet meadows, and wet areas. FRAWG's proposal does not include rule language, the intent is to provide guidance in developing rule language. The purpose of this guidance is to address aquatic features that do not fit the definitions of Class I, II, III, or IV watercourses, as currently stated in the Forest Practice Rules.

Mr. O'Dell expressed his concern over statewide application of the proposal.

Chairman Dixon suggested that Board staff forward the FRAWG letter to the appropriate committee for consideration and notify them as to which committee that will be.

CONTINUED REPORT OF THE ADVISORY COMMITTEES

RANGE MANAGEMENT ADVISORY COMMITTEE (RMAC)

Mr. Tom Randolph, Executive Secretary of the RMAC, announced that the July 2002 meeting would be his last. He said that he was retiring from CDF. It has been a real honor to work with the Board. He then introduced Jeff Stephens as this replacement as the staff person for RMAC.

Chairman Dixon expressed his appreciation, on behalf of the Board, to Tom for his years of service to the Board and to RMAC and commented that he would be missed.

Mr. Jeff Stephens, CDF Resource Management, reported the last RMAC meeting was held on June 12 and 13, 2002. The Rangeland Focus Group and the Water Focus Group met on June 12. The full Committee met on June 13. He provided an overview of the full Committee meeting for the Board. It was a well-attended meeting. There was a study that was done entitled, "*Survey of National Resource Professionals Regarding Resource Impairments on California Rangelands*." RMAC has requested that the results of the study be presented at a future meeting to the full Board, possibly in November. He noted that it was a study that ran resource professionals through some various scenarios on rangeland dealing with water

concerns. A representative from U.C. Davis provided a report on the workshop on Intergraded Vegetation Management. A copy of a CD of the workshop was provided for each Member to view at his leisure. There was a discussion with BLM regarding monitoring of rangeland practices on federal land. It was pointed out that Certified Rangeland Managers (CRMs) should conduct the monitoring effort. This issue will be discussed at the RMAC's next meeting. There was a discussion on the field trips conducted on the Sierra and El Dorado National Forests dealing with the implementation of the Sierra Nevada Framework. They focused on rangeland and fuels reduction issues. There was a discussion on the Farm Bill and the need for classification for ecological sites. It was believed that classification of these sites should be conducted by CRMs. He noted that Ken Zimmerman had been reelected as chairman of the RMAC. He provided a presentation on AB 1893, which is legislation designed to provide a centralized source for pool dollars for fuels reduction or Vegetation Management projects. The bill is currently at the Assembly Appropriation Committee. This legislation is of high interest for the Committee and will continue to follow it.

MONITORING STUDY GROUP (MSG)

Mr. O'Dell, Chair, reported that the MSG met on June 11, 2002, at Howard Forest. It was a full day of discussion and was well attended. He reviewed the highlights from the report in the Board's binder. A Campbell Timberland Management representative presented preliminary wood budget results for work conducted in the Ten Mile River Watershed. The MSG discussed Campbell Timberland Management's offer to work with the MSG on THP-scale effectiveness monitoring. Sampling strategies are proposed to test hypotheses about road upgrade work and the effects of current silvicultural/yarding techniques. CDF is willing to provide both technical assistance and funding for this project. Representatives of all the other agencies and groups present expressed an interest in providing technical assistance. An MSG workgroup will be established to provide input in the design of the project. A preliminary scoping meeting was held in Fort Bragg on June 21, 2002.

Mr. O'Dell noted that CDF provided an update on the Hillslope Monitoring Program (HMP). Its goal is to have a draft 2002 HMP report written by mid-September. The field team evaluated six THPs by July 5, 2002. CDF then provided new information on the Modified Completion Report Monitoring. The information provided also included Watershed Lake Protection Zone (WLPZ) canopy data. The Department provided a Power Point presentation titled, "Programs Assessing Implementation and Effectiveness of State Forest Practice Rules and BMPs in the West." The program focused on California, Idaho, Montana, Oregon, and Washington where most of the effectiveness monitoring work has been completed. Continued monitoring is needed due to changing rule requirements and changing expectations. CDF also provided an updated version of the Watershed Data Catalog (formerly known as the Reference Watershed Catalog). The MSG expressed an interest in the project and asked for another MSG Workgroup meeting in the fall for more discussion on the project.

Mr. O'Dell noted that the next regular MSG meeting is scheduled for September 17, 2002, at Howard Forest.

PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)

Mr. George Gentry, Executive Officer for Licensing, reported that the PFEC had not met since the last Board meeting. He referred to the July 2002 Registered Professional Forester (RPF) vital statistics in the Board's binder. The following Certified Rangeland Manager has requested license withdrawal per 14 CCR §1608(a): Barry Davis, CRM 38.

02-07-9 Mr. Ryneerson moved to accept the request for license withdrawal of CRM 38, Barry Davis. Mr. O'Dell seconded the motion, and all were in favor.

Mr. Gentry requested Board action on the following Registered Professional Foresters who have requested license reinstatement from withdrawal status per 14 CCR §1608(d): Laurie A. Tippin, RPF 2283; Ted Lucrezi, RPF 1998; Lawrence Gonzales, RPF 1819; Robert Eckart, RPF 2428; Harry Sheehan, RPF 2480; Greg Peterson, RPF 1831; Lee Bennion, RPF 2006.

02-07-10 Mr. O'Dell moved to approve the request for license reinstatement from withdrawal status from the aforementioned RPFs. Mr. Ryneerson seconded the motion, and all were in favor.

Mr. Gentry requested Board action on the following Registered Professional Foresters who have requested license withdrawal per 14 CCR §1608(a): Jacob Markowitsch, RPF 1682; Peter Mastenbroek, RPF 2124; Patrick Clark, RPF 2082; William Stancer, RPF 434; George R. Harper, RPF 1222; Mark Heffley, RPF 2576; Thomas W. Lealos, RPF 856; Robin S. Vora, RPF 1952; Wilford Beck, RPF 1990; William A. Dean, RPF 150; Rob Finch, RPF 260; Gerald G. Palmer, RPF 1646; Garry Buzzini, RPF 1066; William K. Lee, RPF 46; Lowell G. Robinson, RPF 1620; David Kaney, RPF 262; Robert Lindsay, RPF 1202; Joseph Griggs, RPF 1510; Ivars Steinblums, RPF 1852; Robert Cermak, RPF 1086; Ned Simmons, RPF 818; Norman Henry, RPF 1670; Robert C. Williams, RPF 948; Miles T. Crail, RPF 1748; Robert J. Malain, RPF 40; Pryce Campbell, RPF 1846; Fred Green, RPF 204; William McKillop, RPF 560; Sherman Finch, RPF 190; Michael S. Hicks, RPF 1850; Bernard Weisgerber, RPF 810; Kenneth McAndrews, RPF 1238; Juergen Momber, RPF 268; Leonard Theiss, RPF 218; Paul E. Rooney, RPF 1294; and Keld Sorensen, RPF 458.

02-07-11 Mr. Heald moved to accept the aforementioned RPFs request for license withdrawal. Mr. O'Dell seconded the motion, and all were in favor.

Mr. Gentry said that following Registered Professional Foresters have requested voluntary relinquishment of their license: Scollay Parker, RPF 414; Kenneth Austin, RPF 773; Robert Ray, RPF 242; Thomas Neenan, RPF 858; Scott Koehler, RPF 340; Robert Devlin, RPF 583; Thomas Adams, RPF 241; and Virgil Lee Mortensen, RPF 1564.

02-07-12 Mr. O'Dell moved to accept the voluntary relinquishments of the aforementioned RPFs. Mr. Bosetti seconded the motion, and all were in favor.

Mr. Gentry announced that there were 14 out of 32 applicants who successfully passed the RPF examination administered on April 12, 2002. He requested Board approval for: Ole Buch, RPF 2731; Brian Greisbach, RPF 2738; Kenneth Scott Vroman, RPF, 2732; Dawnne Hirt, RPF 2739; Steven Louis Muha, RPF 2733; Yana Valachovic, RPF 2740; Steven Russell Auten, RPF 2734; Richard Adams, RPF 2741; Robert J. Hawkins, RPF 2735; Robert C. Horvat, RPF 2742; Jeremy P. Wuerfel, RPF 2736; Glenn A. Barley, RPF 2743; David L. Shy, RPF 2737; and James Gayner, RPF 2744.

02-07-13 Mr. Ryneerson moved to approve those previously named as Registered Professional Foresters. Mr. O'Dell seconded the motion, and all were in favor.

Mr. Gentry noted that Professional Foresters Registration wishes to note the passing of the following Registered Professional Foresters: Robert Starrs, RPF 556; and Norman Wykoff, RPF 196.

REPORT OF EXECUTIVE OFFICER, INCLUDING PROPOSED STATE AND FEDERAL LEGISLATION

Mr. Daniel Sendek, Executive Officer for the Board, provided the Board with an update on Legislation. He noted that AB 103, which would remove CDF from under the Resources Agency's umbrella and establish it within the Office of the Governor has gone to hearing. AB 1172, imposing a Timber Yield Fee on timber that is harvested in California, was amended on June 17, 2002, and is up for reconsideration. He then referred the Board's meeting schedule for the remainder of the year, noting that the August meeting would be in Sacramento on August 5 and 6, September meeting would be in Visalia, and the October meeting is scheduled for Tahoe. He noted that the Threatened and Impaired Watershed package is set for OAL approval tomorrow and the Integrated Watershed Management Addendum (IWMA) is set for Monday. Yesterday, concurrent with the Ad Hoc Committee meeting, was the first meeting of the Sensitive Species Working Group (SSWG). The SSWG defined its goals; determine the need for the Sensitive Species rules and the methodology of keeping the list current. The next meeting will be in August and will report to the Board in November with recommendations.

NEW AND UNFINISHED BUSINESS

Mr. Richard Gienger commented on SB 1828 involving Native American lands has passed through the Senate and is currently in the Assembly. He provided an update on the five impaired water bodies. The mitigation has not moved forward, so the NCRWB is going to continue the process and bring in a committee of experts to make some decisions on these issues.

ADJOURNMENT

Chairman Dixon adjourned the July 2002 meeting of the Board.

Respectfully submitted,

ATTEST:

Daniel R. Sendek
Executive Officer

Stan Dixon
Chairman

Copies of the attendance sheet can be obtained from the Board Office.